

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

April 30, 2018

David J. Bradley, Clerk of Court

United States of America
v.
Jose Luis SALINAS

Case No. **4:18mj0693**

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/26/2018 in the county of FORT BEND in the SOUTHERN District of TEXAS, the defendant violated TITLE 8 U. S. C. § 1324(a)(1)(A)(v)(I), an offense described as follows:

Conspiring with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transport, move or attempt to transport or move such alien within the United States by any means in violation of Title 8 United States Code, Section(s) 1324 (a)(1)(A)(v)(I).

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Raul Silva, Special Agent, HSI

Printed name and title

Sworn to telephonically

Date: 04/30/2018



Judge's signature

City and state: Houston, Texas

Magistrate Judge, Dena Hanovice Palermo

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Raul Silva, being first duly sworn, depose and state the following:

1. I am a Special Agent with Homeland Security Investigations (HSI). I have been so employed since 2010. I have training and experience in alien smuggling investigations.
2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations and the observations of other law enforcement agents.
3. On April 26, 2018, at approximately 1730 hours, duty agent Special Agent Eric Lehmann received a phone call from Texas Department of Safety (DPS) Trooper Corral in regards to a possible human smuggling load. Trooper Corral initiated a vehicle stop on a red pickup truck for speeding. Trooper Corral noticed eight individuals in the vehicle, six of whom only spoke Spanish. Further questioning led Trooper Corral to believe the vehicle may be involved in smuggling illegal aliens and contacted the HSI duty agent.
4. DPS Trooper Corral identified the driver of the red Ford truck bearing Texas license plate HSY1318 as Jonny Regino BARKLEY (United States Citizen (USC)) and the front seat passenger as Jose Luis SALINAS (USC). The remaining six individuals, four males and two females, did not have a U.S. issued identification. Trooper Corral cited the driver BARKLEY for no driver license and the passenger, SALINAS, for open container in motor vehicle.
5. HSI agents responded and determined the six (6) vehicle passengers were citizens and nationals of Guatemala, and Mexico, all of whom were illegally present in the U.S. All six (6) subjects admitted to entering the U.S. without inspection in/at a location not designated as an official U.S. Port of Entry. All six (6) undocumented aliens (UDAs) were administratively arrested for entering the U.S. without inspection. Both BARKLEY and SALINAS were arrested and subjects were later transported to the Houston Immigration Service Processing Centers (SPC) for additional checks and further investigation.
6. SA Jeffery Whitfield provided SALINAS his Miranda Rights in the English language and witnessed by ERO Chris Sandoval. SALINAS signed a voluntary waiver of his Miranda Rights and agreed to speak with agents without an attorney present. SA Whitfield and ERO Sandoval interviewed SALINAS in the English language and recorded the interview. Agents learned the following from the interview (non-verbatim summary):
7. Jose Luis SALINAS stated he was contacted by his friend BARKLEY on the morning of April 26, 2018 while they both were in Laredo, TX and asked if he wanted to go to Freer, TX to do a construction job. SALINAS indicated he and his friend BARKLEY traveled to Freer, TX however once they arrived they were unable to contact the individual for whom they were to do the work. SALINAS said after not being able to work, BARKLEY suggested they go to Houston, TX. SALINAS stated, during their drive to Houston, they stopped for gas and BARKLEY gave SALINAS \$20.00 to go in and pay for gas. SALINAS told agents, while in the station BARKLEY was approached by the six individuals for a ride and when SALINAS returned to the vehicle, BARKLEY told him they were giving the six individuals a ride to Houston. SALINAS could not recall in what town they stopped for gas nor the name of the gas station. SALINAS stated the next stop they made was when they were stopped by police.

8. Criminal history checks indicate SALINAS has more than one arrest for alien smuggling and is currently on federal probation for a 2014 conviction for alien smuggling.
9. Camilo TUN-Xalin, a citizen and national of Guatemala, admitted to entering the United States illegally. TUN-Xalin stated he left his country of Guatemala around April 11, 2018 and paid a smuggler \$3,500.00 dollars to be smuggled to the United States. TUN-Xalin identified the passenger, Jose Luis SALINAS, by photo lineup. TUN-Xalin stated SALINAS was in the truck at the time the group was picked up on the side of the road.
10. Alex PIRIR-Cumatzil, a citizen and national of Guatemala, admitted to entering the United States illegally. PIRIR-Cumatzil stated he left his country of Guatemala around April 2, 2018 and paid a smuggler \$4,000.00 dollars to be smuggled to the Mexico/United States border. PIRIR-Cumatzil identified Jose Luis SALINAS by photo lineup as the passenger of the truck that picked them up and drove them until they were stopped by the police.
11. Adilia GUZMAN-Barrientos, a citizen and national of Guatemala, admitted to entering the United States illegally. GUZMAN-Barrientos stated her mom paid a smuggler an unknown amount to be smuggled to the United States. GUZMAN-Barrientos was shown a photo lineup and identified Jose Luis SALINAS as the passenger of the truck that picked them up.
12. Maribel RIOS-Pacheco, a citizen and national of Mexico, admitted to entering the United States illegally. RIOS-Pacheco stated her family paid a smuggler \$2,000.00 dollars to be smuggled to the United States. RIOS-Pacheco was shown a photo lineup and identified Jose Luis SALINAS as the passenger of the truck that picked them up.
13. Geronimo CARMONA-Barriga, a citizen and national of Mexico, admitted to entering the United States illegally. CARMONA-Barriga stated he left his country of Mexico approximately eight days prior and paid a smuggler \$2,000.00 dollars to cross into the United States. CARMONA-Barriga was shown a photo lineup and identified Jose Luis SALINAS as the passenger of the truck that picked them up.
14. Based upon the evidence gathered from the investigation, I believe there is probable cause to believe that Jose Luis SALINAS violated Title 8, United States Code, Section 1324 (a) (1) (A) (v) (I), conspiracy to transport illegal aliens.



Special Agent Raul Silva
Homeland Security Investigations
Houston, Texas

SUBSCRIBED TO AND SWORN TELEPHONICALLY on April 30, 2018.



Dena Hanovice Palermo
United States Magistrate Judge